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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,463	12/16/2003	John W. Northcutt	U03-0131.64	1462

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER	
LE, DANH C	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/707,463	NORTHCUTT, JOHN W.	
	Examiner	Art Unit	
	DANH C. LE	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment.. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-21 and 24-32* is/are rejected.

7)☒ Claim(s) *6,7,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

SET I

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-4, 17-20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Matsuyama (US 2004/0030756).**

As to claim 1, Matsuyama teaches a method of presenting location data representing a mobile phone's current approximate location (figure 24 and its description) comprising:

determining the current position of the mobile phone (paragraph 44, 45, 54);

looking up locations within a predetermined distance from the current position of the mobile phone (paragraph 44, 45, 54); and

displaying a location icon representing a location within the predetermined distance to the current position of the mobile phone (paragraph 140, 160, 243).

As to claim 2, Matsuyama teaches the method of claim 1 further comprising waiting a predetermined period before re-determining the current position of the mobile phone (paragraph 140, 160, 243).

As to claim 3, Matsuyama teaches the method of claim 2 further comprising prompting the user to input the predetermined period (paragraph 140, 160, 243).

As to claim 4, Matsuyama teaches the method of claim 3 further comprising prompting the user to input the predetermined distance from the current position of the mobile phone (paragraph 140, 160, 243).

As to claim 17, the claim is a software program of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 18, the claim is a software program of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 19, the claim is a software program of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 20, the claim is a software program of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 5, 8, 9, 10,15, 16, 21, 25, 26, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama in view of Teshima (US 2002/0032035).**

As to claim 5, Matsuyama teaches the method of claim 4, Matshuyama fails to teach further comprising determining the distance between the current position of the

mobile phone and the underlying location of the location icon. However, the examiner takes Official Notice that the reciting limitation is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of the reciting limitation into the system of Matsuyama in order to enhance the system performance of the mobile device.

As to claim 8, Matsuyama teaches the method of claim1, Matshuyama fails to teach. Teshima teaches further comprising displaying primary data pertaining to the location icon including a distance and heading measurement, wherein the primary data is displayed along with the location icon (figure 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Teshima into the system of Matsuyama in order to enhance the system performance of the mobile device.

As to claim 9, Matsuyama and Teshima teaches the method of claim 1 further comprising displaying primary data pertaining to the location icon including a distance and heading measurement, wherein the primary
data is displayed along with the location icon (figure 5).

As to claim 10, Matsuyama and Teshima teaches the method of claim 8 further comprising accessing and displaying secondary data pertaining to the location icon that can be displayed on the mobile phone wherein the secondary data pertaining to the location icon includes coordinate data and is accessed by selecting the location icon (figures 4, 5).

As to claims 15 and 16, Matsuyama and Teshima teaches the location icons and the underlying coordinates of the location icons are stored in an external location icon database residing on the network wherein the external location icon database is accessible to the mobile phone and contains commercially supplied location icons and location icon coordinates and location icons and the underlying coordinates of the location icons are stored in an internal location icon database residing in the mobile phone wherein the internal location icon database contains user-defined location icons and location icon coordinates (figure 3).

As to claim 21, the claim is a software program of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 25, the claim is a software program of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 26, the claim is a software program of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

As to claims 31, 32, the claims are the computer software program of claims 15, 16; therefore, the claims are interpreted and rejected as set forth as claims 15 and 16.

3. **Claims 10-14, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama in view of Syrbe (US 2006/0148488).**

As to claim 10-14, Matsuyama teaches the method of claim 1, Matsuyama fails to teach determining the current position of the mobile phone utilizes GPS, an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of original system within the mobile phone and providing the location icon to a network

server such that it can be accessed by other mobile phone users. Syrbe teaches determining the current position of the mobile phone utilizes GPS, an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of original system within the mobile phone and providing the location icon to a network server such that it can be accessed by other mobile phone users (paragraph 057, 063). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Syrbe into the system of Matsuyama in order to determine the location of the mobile device using different methods.

As to claims 26-30, the claims are the computer software program of claims 11-14; therefore, the claims are interpreted and rejected as set forth as claims 11-14.

SET II

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 17-20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Muramatsu (US 2002/0115450).**

As to claim 1, Muramatsu teaches a method of presenting location data representing a mobile phone's current approximate location (figures 17, 18 and their descriptions) comprising:

determining the current position of the mobile phone (paragraphs 12, 25, 32);

looking up locations within a predetermined distance from the current position of the mobile phone (paragraphs 12, 25, 32); and

displaying a location icon representing a location within the predetermined distance to the current position of the mobile phone (paragraph 34-36).

As to claim 2, Muramatsu teaches the method of claim 1 further comprising waiting a predetermined period before re-determining the current position of the mobile phone (paragraph 18,176).

As to claim 3, Muramatsu teaches the method of claim 2 further comprising prompting the user to input the predetermined period (paragraph 18, 176).

As to claim 4, Muramatsu teaches the method of claim 3 further comprising prompting the user to input the predetermined distance from the current position of the mobile phone (figure 17.

As to claim 5, Muramatsu teaches the method of claim 4 further comprising determining the distance between the current position of the mobile phone and the underlying location of the location icon (figure 17).

As to claim 17, the claim is a software program of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 18, the claim is a software program of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 19, the claim is a software program of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 20, the claim is a software program of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

Allowable Subject Matter

Claims 6, 7, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6 and 22, the teaching of prior arts either alone or in combination fails to teach changing the appearance of the location icon based on the distance between the current position of the mobile phone and the underlying location of the location icon such that the location icon appears darker when the current position of the mobile phone is closer to the underlying location icon and lighter when the current position of the mobile phone is further from the underlying location of the location icon.

As to claims 7 and 23, the teaching of prior arts either alone or in combination fails to teach changing the appearance of the location icon based on the distance between the current position of the mobile phone and the underlying location of the location icon such that the location icon appears in a first color when the current position of the mobile phone is closer to the underlying location of the location icon and in a

second color when the current position of the mobile phone is further from the underlying location of the location icon.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DANH CONG LE
December 20, 2006
PRIMARY EXAMINER